

1963

ited capacity of the 167 collegiate schools of nursing which must provide the teachers and administrators required for the expansion of all types of professional and practical nurse training. The Eurich Committee has recommended that we double the capacity of collegiate nursing schools by 1970.

The committee, therefore, has included in the bill construction grants for collegiate schools of nursing which offer basic programs of nursing leading to baccalaureate degrees or advanced programs leading to a master's or doctor's degree.

The American Nurses Association supports the Federal assistance proposed in H.R. 12 for the construction of collegiate teaching facilities for nurses.

OPTOMETRISTS, PHARMACISTS, PODIATRISTS

Representatives of three other health professions—optometry, pharmacy, and podiatry—presented evidence of a decreasing supply of trained manpower in their respective professions. The committee has, therefore, included these three professions insofar as construction grants are concerned, but such grants will be made available only if the need for increased enrollment and the availability of qualified students in sufficient numbers to fill the new or enlarged schools to capacity is demonstrated.

STUDENT LOANS

The hearings have clearly demonstrated that even to maintain present ratios of physicians to population in the face of a rapidly expanding population, the number of physician graduates must be increased by 50 percent by 1975, and the output of dental schools must be doubled. The high cost of medical and dental education and the length of the period of study exclude many students well qualified intellectually to compete for admission to the schools.

A prospective physician or dentist must plan for a period of training that is both long and expensive. Following 4 years of undergraduate college work, he can expect an additional 4 years at medical, dental, or osteopathic school, and if he chooses to specialize he must spend another 2 to 5 years in a residency.

An average student who wishes to become a physician or a dentist must see his way clear to invest from \$16,000 to \$20,000 in his education. Thus, many able students from low-income families are precluded from entering the fields of medicine and dentistry.

The loans under the National Defense Education Act program are not well suited to the needs of medical and dental students for several reasons: First, under the National Defense Education Act a student may borrow not more than \$1,000 a year, or \$5,000 in total. The high cost of medical and dental education requires a substantially higher loan ceiling. Second, under the National Defense Education Act program loan repayment begins 1 year after completion of college education. Since medical students have a long period of postgraduate hospital training, the longer grace period allowed under H.R. 12 is more realistic.

The loans under the program proposed by H.R. 12 could not exceed \$2,000 for any academic year and would be repay-

able over a 10-year period beginning 3 years after the student ceases to pursue a full-time course of study at a medical, dental, or osteopathic school.

The Student American Medical Association, the Association of American Medical Colleges, the American Dental Association, the American Association of Dental Schools, the American Osteopathic Association, and the American Association of Osteopathic Colleges are among the organizations supporting the student loan provisions of H.R. 12.

In concluding, I would again urge the favorable consideration of H.R. 12 in the Senate that we may expand our capacity for training health personnel. This is a compelling need.

As we all know, we have added as much to our medical knowledge over the past 10 years as we previously have in the history of mankind. Unless we have the personnel to assure the practical application of our findings, however, our increased knowledge will avail us little.

Even now, we have evidences that our health needs are not being met as they could be. Let me cite some examples:

Cancer takes 75,000 lives each year that could be saved if all current knowledge about control, detection, and prevention were applied.

Heart diseases take 20,000 lives each year through rheumatic fever and rheumatic heart disease. All of these deaths could be prevented by early and intensive treatment.

Blindness could be prevented in the 20 percent of all cases that are due to glaucoma and diabetes. Both conditions can be easily detected and controlled if caught in time.

Infant mortality rates in the United States are higher than they are in 10 other major countries. We have 25 infant deaths per 1,000 live births while Netherlands, Sweden, Norway, Finland, and Australia all report under 20 infant deaths per 1,000 live births.

If we are to keep pace with the growth in population it is absolutely necessary that we take steps now to increase our capacity for training physicians, dentists, nurses and professional health personnel. I strongly urge the approval of H.R. 12 without amendment.

Mr. President, I yield myself 1 minute so that I may answer a question of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I entirely agree with the Senator's position. I congratulate him on his statement. I wish to make it clear that his position with regard to the bill is that the adoption of any amendment, no matter how meritorious, might prejudice the passage of the bill. Is that correct?

Mr. HILL. It was the very definite conclusion and determination of the Committee on Labor and Public Welfare that the wise, practical, and compelling course was to pass the bill as it passed the House of Representatives, to get the basic legislation on the statute books, and then to consider amendments separately to the extent that we feel such amendments should be enacted.

Mr. FULBRIGHT. In other words, amendments could be offered subsequently, if it were felt necessary to do so,

but they should not be offered to the bill before us. Is that correct?

Mr. HILL. The Senator is absolutely correct.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HILL. I yield myself 1 additional minute, so that I may reply to a question of the Senator from Illinois.

Mr. DIRKSEN. I understand that there was some discussion in committee about the inclusion of optometry schools in the student loan provision of the bill, but that as it comes before the Senate now, such schools have been excluded.

I have been advised also that in the case of Illinois, Texas, and other States, quite a number of students could not take advantage of attendance at these schools because they did not have the necessary means to stay in the schools.

I also understand the distinguished Senator from Alabama has or will have a bill under contemplation very shortly, and that it is his intention to give expeditious consideration to that bill. Am I correct?

Mr. HILL. The Senator is correct. It was agreed in committee that no amendments would be offered to the pending bill, and that we would try to have this basic legislation enacted into law, which we have been trying unsuccessfully to do for the past 12 years; and further, that forthwith, without delay, such amendments would be considered and expedited, to take care of students in the field of optometry.

I yield myself 1 more minute, so that I may reply to questions of the Senator from New Hampshire.

Mr. COTTON. Can the Senator tell us what the vote was in the House on the pending bill?

Mr. HILL. The vote was 288 to 122.

Mr. COTTON. With that kind of vote, did the committee feel that it would jeopardize the passage of the bill in the Senate if there had to be a conference on it with the House?

Mr. HILL. Yes; the committee felt that if the proposed legislation were amended and it had to go back to the House, it would probably be necessary to go to the Rules Committee to obtain a rule to send it to conference. There might be, as a result, a great deal of delay, which might even encompass defeat of the bill.

Mr. COTTON. The Senator and I have been Members of the House of Representatives. It is not necessary to go to the Rules Committee to send a bill to conference.

Mr. HILL. Under the rules of the House, 1 objection on the part of 1 Member of the House out of the 435 Members will defeat a request that the bill go to conference, and it is then necessary to go to the Rules Committee.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HILL. I yield myself a half minute.

Mr. COTTON. If a technical amendment is made to a bill, that amendment has to be corrected in conference, unless

unanimous consent is obtained for the correction of a technical error.

Mr. HILL. The correction of a technical error is in a different category.

Mr. COTTON. But it must go to conference, unless the error is corrected by unanimous consent. Does it not have to go to conference?

Mr. HILL. Not necessarily. Both Houses, by unanimous consent, could rectify the error.

Mr. COTTON. Yes. I can tell the Senator that he will not obtain unanimous consent. On page 3 of the bill there is a technical error, which I shall be glad to call to the attention of the Senator from Alabama. Therefore, the bill must go to conference, anyway.

Mr. HILL. I shall be glad to have the Senator point the error out to me.

Mr. COTTON. The Senate should be allowed to consider a justified amendment without having the threat held over it that it must take the bill as the House passed it, especially when there is already an error in it that must go to conference.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HILL. I yield, if I have the time.

Mr. MANSFIELD. I ask unanimous consent that 1 additional minute be granted to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. I was on the House committee which considered the pending bill in 1962. One of the things that we are trying to find out—and I wonder whether the Senator's committee gave it any consideration—was the amount of money that was available for assistance to students in medical schools in other legislation and bills, such as the vocational education bill, the National Defense Education Act, the proposals for Federal aid to education, and the other avenues of assistance. Did the Senator's committee go into that subject?

Mr. HILL. Yes. We considered those factors. One reason why the loan provision is important for students in medical and dental schools is that the loan provision under the National Defense Education Act does not accommodate itself to the needs of students in medical and dental and osteopathic schools.

Mr. DOMINICK. But the provisions are applicable to such schools.

Mr. HILL. Yes; but they do not meet the needs in those schools.

Mr. DOMINICK. Did the Senator's committee consider amending the National Defense Education Act, to meet those needs?

Mr. HILL. We did not consider that because that is a separate act. This proposal deals with additional personnel. This bill is the place for it. Here we are dealing with medical schools, dental schools, osteopathic schools, and other schools of learning. This is the place to deal with students, as well. The amendments would have to be the same, whether made to this act or some other act.

Mr. DOMINICK. Did the committee take into consideration the loan program of the American Medical Association?

Mr. HILL. The committee did so; and at some point in the debate, the Sen-

ator from Alabama expects to discuss that point. I am glad the American Medical Association has such a loan program; but I do not believe that that loan program meets the needs of the situation today. It is helpful; it will play a part in the provision for more doctors, dentists, and osteopaths; but it does not meet the needs as those needs must be met today.

DISCONTINUANCE OF AID TO DIEM REGIME IN SOUTH VIETNAM

Mr. MANSFIELD. Mr. President, in accordance with the previous agreement, I yield 10 minutes—and 10 minutes only—to the distinguished senior Senator from Idaho.

Mr. CHURCH. Mr. President, it is the purpose of the U.S. Government to uphold the independence of other governments struggling against Communist subversion. To this end, we have given massive and prolonged assistance to the present Government of South Vietnam, even though this country is small and as remote from us as any in the world.

As long as the Government of South Vietnam seemed willing to follow internal policies worthy of retaining for it the support and good will of the Vietnamese people, and as long as that Government pursued military policies against Communist infiltration which had reasonable prospect of success, the United States has given hugely of life and treasure to sustain and assist this Government in its self-defense. Over a hundred American lives have been lost and nearly \$3 billion have been spent. Our outlays have continued to rise until there are now 14,000 American troops in South Vietnam engaged in an assistance program which is costing us more than a million dollars a day.

Our efforts have increased, the situation has worsened. The Diem regime in South Vietnam has adopted policies of cruel repression. We have been dismayed by its persecution of the Buddhists, who are in the large majority, by the desecration of their temples, and by the brutality of the attacks upon them. Too horrified to look, we have turned our eyes away from the sacrificial protests of Buddhist monks burning themselves alive on the streets of Saigon. Such grisly scenes have not been witnessed since the Christian martyrs marched hand in hand into the Roman arenas.

Neither an outraged world opinion, a special appeal from Pope Paul, nor our own indignant protests have prevailed upon the Government of South Vietnam to change its course. Instead, we have been denounced by the very members of the ruling family we have helped to keep in power, and arrogant demand has been made upon us to forsake certain Buddhist monks who have sought the sanctuary of our Embassy. To persist in the support of such a regime can only serve to identify the United States with the cause of religious persecution, undermining our moral position throughout the world.

The American people will not long tolerate continued support of a government which lives in total contradiction of those sacred principles for which our country stands. Among them, none is

more central to our belief, or nearer to our hearts, or more fundamental to our national purpose, than that of religious freedom.

It is urged upon us that the Communist presence in South Vietnam requires us to support the Diem regime, regardless of how repugnant it becomes, and irrespective of its contemptuous refusal to respond to our entreaties. To accept such an argument is to concede that the great American Republic is no longer the master of her own course in South Vietnam, but has become the servant of the mandarin autocracy which governs there.

The loss of South Vietnam to communism would be deplorable, and particularly bitter after so long and agonizing an effort there, but, in the end, the country will fall victim to the relentless Communist penetration, unless the Diem regime abandons its policies of repression, or another non-Communist regime emerges to rally the people. The recent mass protests in the cities of South Vietnam demonstrate that there is a mighty reservoir of anti-Communist feeling which could yet give great popular support to the war against the Vietcong.

But a paralysis of will on our part will be as self-defeating as it is ignoble. The continued persecution of the Buddhists will condemn the Diem regime either to displacement by decent leadership, or to eventual defeat by the Communists. President Kennedy himself has acknowledged that, unless changes in policy and perhaps personnel are forthcoming, the present Government of South Vietnam will lose its war. The time for hard decisions is at hand.

Persecution of the Buddhists by the present Government of South Vietnam is an affront to the good conscience of the American people. If these cruel repressions are not abandoned, further American aid to this Government should be terminated, and American personnel withdrawn.

Accordingly, I send to the desk a resolution which reads:

Resolved, That it is the sense of the Senate that unless the Government of South Vietnam abandons policies of repression against its own people and makes a determined and effective effort to regain their support, military, and economic assistance to that Government should not be continued.

The resolution is submitted for myself and on behalf of 22 other Senators: the junior Senator from Indiana [Mr. BAYH], the senior Senator from Alaska [Mr. BARTLETT], the senior Senator from Maryland [Mr. BEALL], the senior Senator from Nevada [Mr. BIBLE], the junior Senator from North Dakota [Mr. BURDICK], the junior Senator from Nevada [Mr. CANNON], the senior Senator from Kansas [Mr. CARLSON], the senior Senator from Pennsylvania [Mr. CLARK], the junior Senator from Alaska [Mr. GRUENING], the senior Senator from South Carolina [Mr. JOHNSTON], the junior Senator from South Dakota [Mr. McGOVERN], the senior Senator from Oregon [Mr. MORSE], the junior Senator from Utah [Mr. MOSS], the junior Senator from Maine [Mr. MUSKIE], the junior Senator from Wisconsin [Mr. NELSON], the junior Senator from Oregon

1963

15947

[Mrs. NEUBERGER], the senior Senator from Rhode Island [Mr. PASTORE], the junior Senator from Rhode Island [Mr. PELL], the junior Senator from Wyoming [Mr. SIMPSON], the senior Senator from Texas [Mr. YARBOROUGH], the junior Senator from Ohio [Mr. YOUNG], and the junior Senator from Louisiana [Mr. LONG].

Mr. President, I ask that the resolution may lie at the desk for a week to permit cosponsorship by other Senators. It is my hope that the resolution may then be referred to committee and that the Senate may soon thereafter act upon it.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will lie on the desk, as requested by the Senator from Idaho.

The resolution (S. Res. 196) was referred to the Committee on Foreign Relations, as follows:

Resolved, That it is the sense of the Senate that unless the government of South Vietnam abandons policies of repression against its own people and makes a determined and effective effort to regain their support, military and economic assistance to that Government should not be continued.

Mr. BAYH. Mr. President, I support the resolution introduced by the Senator from Idaho [Mr. CHURCH] with regard to our foreign aid to South Vietnam. This resolution would put the Senate on record against such assistance until the South Vietnam Government regains the support of its people.

I support this resolution because I am alarmed at the way some of our foreign aid money is being spent.

In South Vietnam we are spending at the rate of more than \$1 million a day for a government that publicly represses its own citizens and obviously does not have their support. Not only is this a poor investment, but it is a complete contradiction of our concepts of personal freedom and individual liberty.

I believe that foreign aid can be helpful in many ways in the battle against communism. It is particularly helpful when the government receiving our aid has the strong support of all its citizens. This is not the case in South Vietnam.

Therefore, we should make clear to the Government of South Vietnam that we will not continue to provide American dollars for military and economic assistance unless that Government makes an honest and determined effort to regain the support of its citizens, and can assure us that our assistance will benefit all the people of South Vietnam. A united country is our best ally in the worldwide struggle against communism.

ASSISTANCE TO MEDICAL AND DENTAL SCHOOLS

The Senate resumed the consideration of the bill (H.R. 12) to increase the opportunities for training of physicians, dentists, and professional public health personnel, and for other purposes.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 13, it is proposed to delete "and" and insert in lieu thereof a comma, and on line 24, to delete the period and insert the following: "and (C) not discriminatory on grounds of race, creed, color, religion, or national origin in its admissions practices."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. JAVITS. Mr. President, on this amendment, I yield myself 10 minutes.

May I ask the majority leader whether he desires that Senators be informed that the amendment is before the Senate for consideration? If so, the quorum bells could be rung for a minute, and unanimous consent could then be obtained to rescind the quorum call.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the limitation agreed to, there be a quorum call for 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The time for the quorum call has expired.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

I submit this amendment with the greatest reluctance. I am not happy about the need for it; but I offer it because I believe it is essential that such an amendment be offered to this bill, because it represents, in my opinion, one of the most callous disregards that I have seen of the obligations which Congress is entitled to have from the Government departments, in connection with a new program.

The pending medical education bill provides a new, much-needed program of assistance in the form of matching grants for construction of teaching facilities and in the form of loans for students. Two conditions are imposed for the receipt of such aid: The institution must be a public or other nonprofit school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or public health; and it must be accredited by a recognized body. I am proposing an amendment which would add a third condition for the receipt of Federal tax moneys which are collected from all citizens regardless of color: that the recipient institutions do not discriminate in admission of students on the ground of race, creed, color, religion, or national origin.

It should not have been necessary to submit this amendment, for the Department of Health, Education, and Welfare should have expressed very clearly in the hearings before the committee, and, in response to my request, should have constantly reiterated to the Congress the exact policy proposed to be pursued by the Department of Health, Education, and Welfare in connection with this new program.

But it has not done that, notwithstanding requests, both oral and in writing.

Hence, we must ascertain for ourselves exactly what will happen if we pass this bill in its present form. Under these circumstances, and in view of the factual record I shall present to the Senate, there seemed to be no alternative but to submit this amendment.

I believe this is an extremely important bill. I am thoroughly devoted to it, and I want to see it enacted into law. But in connection with new programs, including the mental health program, about which I had to take a similar position, one must equate the equities according to one's conscience. So I believe that this desirable bill and the new program under it should be administered in accordance with the policies and laws of the United States and should not be used to support segregation.

Yet that is precisely what will happen in the absence of any assurance by the Department of Health, Education, and Welfare if we pass the bill in its present form.

Mr. President, there is a critical need for this additional statutory condition for two reasons: one, there exists intolerable discrimination in fact in admissions policy on racial grounds among the institutions to be benefited; and two, the Department of Health, Education, and Welfare, based upon its interpretation of other acts similar to this bill, would if it were passed in its present form, feel obliged to aid these discriminating institutions. Under these circumstances there is no alternative but to press this amendment.

The factual issue is an open record and a shocking one: of the approximately 87 accredited medical schools in the United States, at this time there are 6 which continue to maintain a policy of not admitting Negroes: the University of Mississippi, Baylor University, the Medical College of Alabama, the Medical College of South Carolina, the Medical College of Georgia, and Louisiana State University. This group represents the hard core of resistance to the desegregation trend which began in higher education long before the elementary and high school cases involved in the historic Brown against Board of Education decision in 1954, which ended the separate-but-equal doctrine.

Mr. TOWER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am glad to yield.

Mr. TOWER. In the past, Baylor University has had no qualified Negro applicants, and thus has not admitted Negroes. But Baylor University is now open to Negroes, and will admit any qualified applicants.

Mr. JAVITS. I am very glad to have that assurance. Naturally, we have shown a sense of responsibility in checking the list; but it apparently has been impossible to get from Baylor University the information obtained from other universities in a similar status which also have not admitted Negroes—to wit, a statement that it would admit them. I would be very much pleased if the Sen-

ator from Texas would, at his convenience, obtain such a statement from Baylor University, and would have it printed in the RECORD.

Mr. TOWER. I shall be very glad to do so. I assure the Senator from New York that Baylor University is now open to qualified Negro applicants.

Mr. JAVITS. I am glad to have that assurance. We did check; and other universities in a similar position made declarations of policy that Negroes would be admitted if they were found to be qualified. At the time, that was not the case with Baylor. So I am delighted to have that assurance from the Senator from Texas, and I suggest that such a declaration would be most helpful to have.

Mr. TOWER. A number of the colleges in Texas which are privately supported and are open to Negro applicants, often have had no applications from Negroes for admission to graduate programs or professional programs of this sort. So the fact that no Negro is enrolled there at this time does not mean that there is discrimination there against Negroes, but only means that no applications from qualified Negroes have been received.

Mr. JAVITS. As I have said, we checked on this point, and tried to check it thoroughly. Of course, I accept the assurance of the Senator from Texas that he will obtain such a declaration from Baylor University and at an appropriate time will have it incorporated in the RECORD.

Mr. TOWER. I thank the Senator from New York. Of course, I wished to vindicate Baylor University.

Mr. JAVITS. The Senator from Texas is doing more than vindicate Baylor University. Two years ago I submitted a similar amendment, and in that connection I referred to the policy of Johns Hopkins University, which then promptly changed its policy.

Mr. President, the object of these amendments is to get an open admissions policy. So if the Senator from Texas has obtained that from Baylor University, I congratulate him for having done so.

Mr. TOWER. I do not take personal credit for that. Baylor did it.

Mr. JAVITS. But it is being done, and I am delighted to know it.

Mr. President, a turning point in the higher education field was reached in 1948 with the decision in Sipuel against Oklahoma, in which the Supreme Court held that even under the separate-but-equal doctrine a State had an obligation to provide legal education for a qualified Negro applicant as soon as it did for applicants of any other group. Because the cost of establishing separate schools of higher education was so great, a number of States instead opened their universities and, since that decision, some 23 formerly all-white southern medical schools have been opened to Negroes, at least as a matter of announced policy: the University of Arkansas, the University of Maryland, Johns Hopkins University, George Washington University, Georgetown University, the Medical College of Virginia, the

University of Virginia, Duke University, the University of North Carolina, Emory University, the University of Florida, the University of Miami, the University of Texas, the University of Oklahoma, the University of Missouri, Washington University in St. Louis, St. Louis University, the University of Tennessee, Vanderbilt University, the University of Louisville, Kentucky, the University of Kentucky, the University of West Virginia, Bowman-Gray Medical School in Winston-Salem, N.C.

An even more widespread pattern of racial discrimination is presented in the field of professional nursing schools, which would also benefit from this bill. The Public Health Service estimated in its testimony on the bill that approximately 243 collegiate schools of nursing would be covered by the new program. The Committee on Careers of the National League for Nursing published a pamphlet entitled "Schools of Professional Nursing 1962" which lists all schools of nursing and designates those which admit Negroes.

Mr. President, we find that in this day and age, this pamphlet used a special code—the letter "N"—to refer to the schools which do admit Negroes. In other words, on the list, the names of the schools which do not admit Negroes are not followed by the "N." The pamphlet includes the following definition:

SCHOOLS ADMITTING NEGRO STUDENTS

The symbol "N" indicates schools which accept Negro students in all States except Illinois, Massachusetts, New Jersey, New York, Pennsylvania, and Washington. These six States have fair educational practice acts which make illegal the practice of discrimination in educational institutions.

Of the 243 collegiate schools of nursing which we would be benefited under the bill, 32 are designated as not admitting Negroes. They include collegiate nursing schools in the following States: Alabama, where there is one such school; Florida, where there are nine; Georgia, where there are five; Louisiana, three; Mississippi, three; North Carolina, three; South Carolina, two; Tennessee, two; and Texas, four.

If I may have the attention of the Senator from Texas (Mr. Tower), I very much hope that he will look into the nursing school situation.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

According to the authoritative digest of schools which I hold in my hand, the list shows that of the 32 schools—out of 243 covered by the bill—there are 4 in Texas which do not admit Negroes. We shall give the names of those schools to the Senator. They are contained in the pamphlet to which I have referred. I know that the Senator would wish to have a look at that situation himself whatever conclusion he might come to.

Mr. TOWER. I thank the Senator.

Mr. JAVITS. It should be noted that the pamphlet lists approximately 1,100 schools of professional nursing of all types and among those which are not now covered by the bill—because they

are hospital-connected, not college-connected schools—the percentage of schools designated as not admitting Negroes is even higher than that which I have shown above. It should also be noted that in testimony on the bill the Department stated that it intended to extend the program at a later date to the hospital-connected schools.

Thus even without regard to all the other types of school which would be covered by the bill, the medical and nursing school patterns alone show significant discrimination problems as a matter of plain fact. The even more insidious problem, of racial and religious quotas in schools which do not openly maintain a policy against admission, must be added to the equation, too.

The second major point is that, although there is an abundance of legal authority to the effect that executive departments and agencies have not only the legal right but a constitutional duty to withhold Federal funds from segregated or discriminatory activities, and although most of the departments and agencies acknowledge that right and duty in connection with most of their activities, the Department of Health, Education, and Welfare, along with the Department of Agriculture, refuses to acknowledge such power. In April and May of this year, along with Senator PHILIP A. HART, I sent carefully prepared letters to each of the departments and agencies asking whether they believed further legislation was necessary in order to prevent the use of Federal funds in violation of the Constitution in the programs administered by them. On July 10, 1963, I placed the answers I received in the CONGRESSIONAL RECORD and analyzed them; in almost all cases the answer was that sufficient authority already exists to cut off such funds.

But the Department of Health, Education, and Welfare, which will administer this new program, did not answer and at this point has still not answered the policy question. They have recently stated, in a letter to me, that in various programs which they administer they believe they do have such authority and are exercising it. As to the remaining programs they are silent. However, in testimony this year before a House subcommittee on a bill to cut off Federal funds under existing educational programs from segregated institutions, the Department's spokesman quite clearly stated that the Department feels it must pick and choose between statutory language in different acts which it administers—in some cases the statutory language suggests to them that they have no discretion as to the way in which the funds are used and in some cases it suggests the contrary. The crux of the problem, apparently, is the very kind of language which again appears in this new medical education bill in section 726, which prohibits interference by the Federal Government in the administration of any institution. It is just this sort of language which the Department has repeatedly relied upon in refusing to exercise what many legal experts believe is firmly based upon constitutional authority—the right to deny funds to seg-